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By:

Emma Febre Durrell

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Emma Febre-Durrell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECH CENTER 1600/2900

In re Application of: Yue et al.Title: MITOCHONDRIAL PROTEINSSerial No.: 09/525,867Filing Date: March 15, 2000Examiner: Tung, P.Group Art Unit: 1652

Commissioner for Patents
Box Non-Fee Amendment
Washington, D.C. 20231

**TRANSMITTAL FEE SHEET FOR RESPONSE TO
RESTRICTION REQUIREMENT**

Sir:

Transmitted herewith are the following for the above-identified application:

1. Transmittal Fee Sheet (1 pg., in duplicate);
2. Response to Restriction Requirement (14 pp., in duplicate); and
3. Return postcard.

The fee has been calculated as shown below.

Claims	Claims After Amendment	-	Claims Previously Paid For	=	Present Extra	Other Than Small Entity Rate	Fee	Additional Fee(s)
Total Claims	23	-	23	=	0	\$18	0	\$0
Indep. Claims	2	-	3	=	0	\$84	0	\$0
___ First Presentation of Multiple Dependent Claim						+\$280		\$0

TOTAL \$ 0

- ☒ No additional fee is required.
___ Fee for Request for Extension of Time (___ months) \$ ___
___ Please charge Deposit Account No. 09-0108 the amount of \$ ___

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: November 1, 2001Susan K. Sather

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Docket No.: PF-0678 US

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 2, 2001.

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TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yue et al.

Title: MITOCHONDRIAL PROTEINS

Serial No.: 09/525,867

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Commissioner for Patents
Washington, D.C. 20231

8/a
D.G.J.
1/8/02

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is responsive to the Restriction Requirement and Request for Election mailed October 2, 2001, setting a 1-month term for response. Applicants request reconsideration of the above-referenced patent application in view of the following amendments and remarks.

IN THE CLAIMS

Please cancel Claims 16-22 without prejudice or disclaimer.

Please amend Claims 4 and 23 as follows.

Please add the following new Claims 24-30.

For the Examiner's convenience, all pending claims are listed below. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."